

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Reclassification of License of	)	
Class A Television Stations	)	
	)	
KTJA-CA	)	Facility ID No. 14934
Victoria, Texas	)	
	)	

**ORDER TO SHOW CAUSE**

**Adopted: March 19, 2012**

**Released: March 20, 2012**

By the Chief, Video Division, Media Bureau:

1. This is with respect to station KTJA-CA, Victoria, Texas, licensed to Una Vez Mas Victoria License, LLC (“Una Vez Mas”). This station is currently licensed as a Class A television station, which are accorded primary spectrum use status pursuant to the Community Broadcasters Protection Act of 1999 (“CBPA”).<sup>1</sup>

2. In order to qualify for Class A status, the CBPA provides that, during the 90 days preceding enactment of the statute, a low power television station must have: (1) broadcast a minimum of 18 hours per day; (2) broadcast an average of at least three hours per week of programming produced within the market area served by the station; and (3) been in compliance with the Commission’s rules for low power television stations.<sup>2</sup> Class A licensees must continue to meet these eligibility criteria in order to retain Class A status.<sup>3</sup>

3. In addition, beginning on the date of its application for a Class A license and thereafter, the CBPA requires that a station must also be “in compliance with the Commission’s operating rules for full-power television stations.”<sup>4</sup> In implementing the CBPA and establishing the Class A television service,<sup>5</sup> the Commission applied to Class A licensees all Part 73 regulations except for those that could not apply for technical or other reasons. Among the Part 73 requirements that apply to Class A licensees are the Commission’s main studio requirements; rules governing informational and educational children’s programming and the limits on commercialization during children’s programming; the requirement to identify a children’s programming liaison at the station and to provide information regarding “core” educational and informational programming aired by the station to publishers of television program

<sup>1</sup> Community Broadcasters Protection Act of 1999, Pub. L. No. 106-113, 113 Stat. Appendix I at pp. 1501A-594 – 1501A-598 (1999), *codified at* 47 U.S.C. § 336. Commission records show that Una Vez Mas acquired this station in early 2006.

<sup>2</sup> 47 U.S.C. § 336(f)(2)(A)(i).

<sup>3</sup> 47 U.S.C. § 336(f)(1)(A)(ii); 47 C.F.R. § 73.6001(b).

<sup>4</sup> 47 U.S.C. § 336(f)(2)(A)(ii).

<sup>5</sup> *In the Matter of Establishment of a Class A Television Service*, MM Docket No. 00-10, Report and Order, 15 FCC Rcd 6355, 6366 (2000) (“*R & O*”), Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 8244, 8254-56 (2001) (“*MO & O on Recon*”).

guides; the public inspection file rule, including preparing and placing in the public inspection file on a quarterly basis an issues/programs list and the station's quarterly-filed FCC Form 398 (Children's Television Programming Report); the political programming rules; station identification requirements; and the Emergency Alert System (EAS) rules.<sup>6</sup>

4. Class A television licensees are also subject to the regulations regarding fines and penalties applicable to full power television stations, and are subject to loss of Class A status if they fail to meet these ongoing program service and operating requirements.<sup>7</sup> In addition, as the Commission explained in the *Class A Memorandum Opinion and Order on Reconsideration*:

Although Class A licensees will not be subject to loss of license for failure to continue to comply with the eligibility requirements in section (f)(2)(A) of the CPBA [including that they be in compliance with the Commission's rules for full-power stations after they file for a Class A license], they are subject to loss of Class A status if they fail to meet these ongoing obligations. . . . We [have] also adopted a rule stating that "Licensees unable to continue to meet the minimum operating requirements for Class A television stations . . . shall promptly notify the Commission in writing, and request a change in status [to low power]."<sup>8</sup>

5. Section 316(a) of the Communications Act, as amended, permits the Commission to modify an authorization if such action is in the public interest.<sup>9</sup> Further, pursuant to Section 316(a), we are required to notify the affected station of the proposed action, as well as the public interest reasons for the action, and to afford the licensee at least 30 days to respond. This procedure is set forth in Section 1.87 of the Commission's Rules.<sup>10</sup>

6. Commission records show that KTJA-CA went silent on November 2, 2007 due to "a major transmitter failure" on that date,<sup>11</sup> and resumed reduced-power operations on or around October 21, 2008 pursuant to an engineering STA.<sup>12</sup> Una Vez Mas then took the station silent on September 10, 2009, stating that the station "ceased operations due to technical difficulties" and that silent authority was necessary so that "The licensee can resolve the problems and resume operations."<sup>13</sup> KTJA-CA reportedly resumed operations on September 3, 2010, shortly before the station's license would automatically expire pursuant to Section 312(g) of the Communications Act of 1934, as amended,<sup>14</sup> but then went silent on

---

<sup>6</sup> *R & O*, 15 FCC Rcd at 6366.

<sup>7</sup> *MO & O on Recon*, 16 FCC Rcd at 8257.

<sup>8</sup> *Id.*

<sup>9</sup> 47 U.S.C. § 316(a).

<sup>10</sup> 47 C.F.R. § 1.87.

<sup>11</sup> FCC File Nos. BLSTA-20071106ACL and BLESTA-20080513ABT.

<sup>12</sup> See FCC File No. BSTA-20081022ABG, granted October 29, 2008, and BESTA-20090427ABX, granted April 28, 2009.

<sup>13</sup> FCC File No. BLSTA-20090916ACY. In its extension request, Una Vez Mas represented that as of March 2010, KTJA-CA continued to experience technical problems. See FCC File No. BLESTA-20100303AFT.

<sup>14</sup> 47 U.S.C. § 312(g). This section of the Act provides, in pertinent part, that "If a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of the period, notwithstanding any provision, term, or condition of the license to the contrary . . ."

October 6, 2010, again “due to technical difficulties.”<sup>15</sup> Shortly before the license would automatically expire, Una Vez Mas reported that the station resumed operations on September 16, 2011, but again ceased operations on November 11, 2011 “due to technical difficulties.”<sup>16</sup> KTJA-CA currently remains silent.

7. We conclude that under these circumstances, Una Vez Mas should have notified the Commission of its inability to meet the ongoing Class A eligibility requirements and requested a change in its station’s status from Class A to low power television station pursuant to Section 73.6001 of the Commission’s Rules.<sup>17</sup> While the Commission has acknowledged that “in appropriately compelling circumstances involving a temporary inability to comply,” a licensee can apply for an STA to operate at variance with the CBPA’s operational and programming requirements without affecting its Class A status,<sup>18</sup> the record now before us does not present such a case. KTJA-CA has been on the air for less than three of the last 30 months, and the record clearly indicates that this was due to Una Vez Mas’s business decisions not to timely resolve unidentified technical difficulties.

8. IT IS THEREFORE ORDERED, That, Una Vez Mas Victoria License, LLC show cause why its authorization for Class A television station KTJA-CA, Victoria, Texas should not be modified to specify the station as a low power television station.

9. Pursuant to Section 1.87 of the Commission’s Rules, Una Vez Mas Victoria License, LLC may, no later than April 25, 2012, file a written statement why the above-captioned license should not be modified as proposed herein. The written statement, if any, must be mailed to Office of the Secretary, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554, ATTN: Barbara A. Kreisman, Chief, Video Division, Media Bureau. An electronic copy should also be sent to [joyce.bernstein@fcc.gov](mailto:joyce.bernstein@fcc.gov). Upon review of the statement and/or additional information, the Commission may grant the modification, deny the modification, or set the matter for hearing. If no written statement is filed by April 25, 2012, Una Vez Mas Victoria License, LLC will be deemed to have consented to the modification of its license from Class A television status to low power television status, and the modification proposed in this *Order to Show Cause* will be deemed to serve the public interest.

10. IT IS FURTHER ORDERED, That a copy of this *Order to Show Cause* shall be sent by Certified Mail, Return Receipt Requested, to Una Vez Mas Victoria License, LLC and its counsel as indicated below:

Una Vez Mas Victoria License, LLC  
703 McKinney Avenue  
Suite 240  
Dallas, Texas 75202

Marnie K. Sarver, Esq.  
Wiley Rein LLP  
1776 K Street, N.W.  
Washington, D.C. 20006

<sup>15</sup> FCC File No. BLSTA-20110708ACS. Una Vez Mas acknowledged that its request for silent authority, filed ten months after the station went silent, was not timely filed and that “KTJA-CA must return to on-air operations on or before October 6, 2011.”

<sup>16</sup> FCC File No. BLSTA-20111108AMR.

<sup>17</sup> 47 C.F.R. § 73.6001(d).

<sup>18</sup> *M O & O on Recon*, 16 FCC Rcd at 8257, n.76.

11. For further information concerning the proceeding, contact Joyce L. Bernstein, Video Division, Media Bureau, at [Joyce.Bernstein@fcc.gov](mailto:Joyce.Bernstein@fcc.gov) or (202) 418-1647.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau